

MINUTES
LEXINGTON COUNTY COUNCIL
May 13, 2003

Lexington County Council held its regular meeting on Tuesday, May 13, 2003, in Council Chambers, beginning at 4:30 p.m. Chairman Davis presided; Mr. Davis gave the invocation; Mr. Jeffcoat led the Pledge of Allegiance.

Members attending:	George H. Smokey Davis	John W. Carrigg, Jr.
	Bruce E. Rucker	William C. Billy Derrick
	Jacob R. Wilkerson	Bobby C. Keisler
	Johnny W. Jeffcoat	Joseph W. Joe Owens
	M. Todd Cullum	

Also attending: Art Brooks, County Administrator; Larry Porth, Finance Director/Deputy County Administrator; Katherine Doucett, Personnel Director/Deputy County Administrator; Jeff Anderson, County Attorney; other staff members, citizens of the county and representatives of the media.

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, and posted on the bulletin board located in the lobby of the County Administration Building.

Employee Recognition - Art Brooks, County Administrator - Mr. Brooks recognized Debbie Gunter, Deputy Auditor, who was commended by a citizen for all the hard work she had done over the past year resolving some issues with the County and the Department of Revenue; the citizen said that Debbie was very professional and knowledgeable.

Also recognized were Von Auerhamer and George Breier, Solid Waste Management, Convenience Station Attendants/Batesburg-Leesville. Mr. Brooks stated that Mr. Mergo, Director, Solid Waste Management, received a letter from Mr. And Mrs. Mike Truscello complimenting the department for having such a fine site at Batesburg-Leesville. They indicated that the site is always clean and odor free because of Mr. Auerhamer and Mr. Breier and they were always trying to improve the appearance with landscaping or planting flowers.

Mr. Brooks asked Mr. Auerhamer to tell Council what he had told him earlier.

Mr. Auerhamer stated that this was an honor and came as a complete surprise. He stated that he was born in Lexington County, lives in Lexington county and was going to be buried in Lexington County. Mr. Auerhamer stated that he would like to think that the four years he has worked for Lexington County he has been a good will ambassador; that he has met a lot of new comers moving in and has given them advice, told them what to do, what to look for in Lexington County and it made him feel good that he was part of the county and working for the county as a goodwill ambassador. He stated that he would like to think of himself and Mr. Breier

as goodwill ambassadors for the County of Lexington.

Mr. Derrick added that Mr. Auerhamer serves on the Town Council for Batesburg-Leesville and he appreciated his service there. Mr. Breier made the attendant's building at the Batesburg-Leesville site fly; it flew about 50 feet or so and Mr. Breier was the pilot. Mr. Derrick stated that somehow Mr. Breier survived and we were certainly grateful for that; that was a traumatic thing for Mr. Breier and he was glad everything worked out.

Presentation of Resolutions - Councilman Davis - Miss Megan Dooley - Mr. Davis congratulated Miss Dooley on being selected the Homecoming Queen for the United States and thanked her for representing the county. Councilman Davis presented Miss Dooley with a framed resolution.

Resolutions - Councilman Keisler - Kids Kamp; Councilman Wilkerson - Sandra Drummond - A motion was made by Mr. Wilkerson and seconded by Mr. Jeffcoat that the Resolutions for Kids Kamp and Sandra Drummond be approved.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Wilkerson
	Mr. Jeffcoat	Mr. Rucker
	Mr. Derrick	Mr. Keisler
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Appointments - Museum - A motion was made by Mr. Wilkerson and seconded by Mr. Jeffcoat that Ms. Miley Hall Rhodes be appointed to the Museum Commission.

Mr. Davis opened the meeting for discussion. No discussion occurred.

In Favor:	Mr. Davis	Mr. Wilkerson
	Mr. Jeffcoat	Mr. Rucker
	Mr. Derrick	Mr. Keisler
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Bids/Purchases/RFPs - A motion was made by Mr. Rucker and seconded by Mr. Cullum that the following bids be approved:

Request to Utilize Request for Qualifications Process - Engineering Services - Public Works - Staff requested approval to use the Request for Qualification process to select the services of engineers for C Fund paving projects and environmental projects as outlined by HUD and governmental guidelines. Services to include developing plans and specifications for roads and drainage, providing initial surveys and inspecting work as roads are being built through the end of the projects.

Surfacing Asphalt - Term Contract - Public Works - Staff solicited and advertised for bids for the purchase of surfacing asphalt to be picked up on an as needed basis by the Public Works Department. Contract includes materials for pavement repairs and paving of roads and parking lots as budgeted in the C Fund and General Fund. Term of the contract is for one year effective upon approval; County may extend the contract if it appears to be in the County's best interest. Extension will be on an annual basis and will not exceed two (2) additional one-year periods.

Three bids were received; staff recommended that bids be awarded to all three bidders (Lanier Construction Company; Sloan Construction Company; C. R. Jackson, Inc.). The County is obligated only to the extent of authorized calls placed by authorized personnel against the contract; to determine which plant to call, the county will calculate the per mile cost per vehicle to the nearest destination at the established contract price. Estimated annual value - \$56,000.00.

Fire Equipment - Fire Service - Bids were solicited and advertised for fire equipment for Fire Service. Bidders were allowed to submit bids on one or a multiple of items depending on the products they could provide.

Eleven bids and one no bid were received. Staff recommended that multiple awards to the lowest bidders meeting specifications be approved at a total cost including sales tax of \$43,497.24 (Anderson Fire Equipment \$968.10; Newton's Fire Equipment \$7,436.52; Wally's Fire Equipment \$12,070.28; Equipment Management Company \$2,565.76; Mallory Company \$714.00; Safeco, Inc. \$4,656.75; Municipal Equipment \$1,476.83; The Leslie Company \$488.20; Charlotte Equipment \$13,120.80).

Mr. Davis opened the meeting for discussion. No discussion occurred.

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Cullum	Mr. Derrick
	Mr. Wilkerson	Mr. Keisler
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Owens	

Chairman's Report - Councilman Rucker - Irmo Fire District Agreement - Mr. Rucker stated that work had been going on for some time on the Intergovernmental Fire Service Agreement between the county and the district. He reported that an agreement has been reached and presented it for Council's consideration for adoption; the Irmo Fire District Board has approved the agreement. Mr. Rucker stated the county will sell the present Irmo Fire Station; two additional stations will be constructed; the Irmo Fire District will operate the two stations and will not only operate in its own District but will serve the county portion north of the Saluda River and south of Richland County. He stated this would be a savings to the taxpayer and the Irmo Fire District, this was a joint venture by the two parties and spanned 25 years.

A motion was made by Mr. Rucker and seconded by Mr. Jeffcoat that the Agreement between the County and the Irmo Fire District be approved.

Mr. Davis opened the meeting for discussion.

Mr. Davis thanked Mr. Rucker for a job well done.

Mr. Wilkerson asked how the number of years was determined.

Mr. Rucker responded that five, 10 or 15 years was not sufficient for both entities; there was no particular way that 25 years was determined.

Mr. Jeffcoat expressed his appreciation to Mr. Rucker and stated that he felt Council and the Fire District were making history; he appreciated the attitude of the Irmo Fire District Board and appreciated the support Council has given the issue.

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Jeffcoat	Mr. Derrick
	Mr. Wilkerson	Mr. Keisler
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Summer Meeting Schedule - Mr. Davis suggested that Council meeting once in July, August and September.

A motion was made by Mr. Rucker and seconded by Mr. Wilkerson that Council meet only once during July, August and September.

Mr. Davis opened the meeting for discussion.

Mr. Derrick noted that the memorandum in the Agenda package indicated June, July, August and September.

Mr. Davis stated that Council was going to have to change that and as soon as the motion was voted on he would make an announcement.

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Wilkerson	Mr. Derrick
	Mr. Keisler	Mr. Jeffcoat
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Meeting - May 27, 2003 - Mr. Davis stated that Council would not meet on May 27, 2003. May 27 would have been a regular Council meeting, a public hearing on the budget was planned, however, due to circumstances beyond Council's control Council would have to meet on June 3 to conduct the public hearing on the budget and consider any items that may have been scheduled for the May 27 meeting.

Midlands TEC Graduation - Mr. Davis reported that he attended the Midlands TEC Graduation ceremonies held on May 12.

Administrator's Report - Right-of-Way Acquisition - S.C. Highway 6 - Mr. Brooks stated that DOT needed to acquire right-of-way on S.C. Highway 6 at the new judicial center site. This intersection is one of three identified in the State Infrastructure Bank project concerning the widening of SC 6 and SC 60 from Lexington to Irmo. As part of the local match and the State Infrastructure Bank project for the Lake Murray Dam widening and SC6 and SC 60 from Irmo to Lexington, it was mentioned that the county would provide this right-of-way. DOT has offered a square foot price which staff feels is too low, however, staff recommended that the county provide the right-of-way and the county take credit for a per square foot price more equal to what the county had to pay for the square footage.

A motion was made by Mr. Cullum and seconded by Mr. Wilkerson that the county provide the right-of-way on SC 6 at the new judicial center site and take credit for a per square foot price as part of the State Infrastructure Bank project.

Mr. Davis opened the meeting for discussion. No discussion occurred.

In Favor:	Mr. Davis	Mr. Cullum
	Mr. Wilkerson	Mr. Rucker
	Mr. Derrick	Mr. Keisler
	Mr. Jeffcoat	Mr. Owens

Mr. Carrigg was not present when the vote was taken.

National Public Works Week - Mr. Brooks noted that May 18-24 is National Public Works Week and the annual backhoe rodeo will be held on Thursday, May 22.

Budget Amendment Resolutions - Transfer of \$8,000 from Law Enforcement General fund to cover hours worked by the Part-time computer operator in the Title IV-D Process Server operations;

Supplemental Appropriation of \$11,760 in the Magistrates Personal Services paid from town recorders fees;

Supplemental Appropriation in the amount of \$125,341/Jail Operations/Contingency since revenues generated in the inmate phone system and canteen proceeds are higher than anticipated due to the increase in inmate population this year;

Appropriation Transfer of \$379.00 to cover the additional cost of paying the ADR employee her annual leave when she terminated;

Supplemental Appropriation of \$12,810 - Federal award for expenses incurred in connection with the administration, presentation and delivery of the gang resistance education and training program;

Supplemental Appropriation of \$50.00 - EMS received a check for standby coverage at the Mid-Carolina Electric Co-op annual meeting on April 4, 2003; funds applied to EMS capital contingency account;

Supplemental Appropriation of \$43,129 to record the insurance claim reimbursements for law enforcement vehicles that were wrecked and to purchase one new vehicle;

Supplemental Appropriation of \$40,000 for overtime expenses and the revenue generated by law enforcement through an agreement with LRADAC which pays \$35.00 per hour for officers to work Friday and Saturday evenings to enforce laws restricting sale of alcohol to youths.

Approval of Minutes - Meeting of April 22, 2003 - A motion was made by Mr. Wilkerson and seconded by Mr. Derrick that the Minutes of April 22, 2003 be approved as written.

In Favor:	Mr. Davis	Mr. Wilkerson
	Mr. Derrick	Mr. Rucker
	Mr. Keisler	Mr. Jeffcoat
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Ordinances - Ordinance 03-1 - An Ordinance Approving the Conveyance of Real Estate from the County of Lexington - 3rd & Final Reading - A motion was made by Mr. Carrigg and seconded by Mr. Derrick that Ordinance 03-1 receive third and final reading.

Mr. Davis opened the meeting for discussion. No discussion occurred.

In Favor:	Mr. Davis	Mr. Carrigg
	Mr. Derrick	Mr. Rucker
	Mr. Wilkerson	Mr. Keisler
	Mr. Jeffcoat	Mr. Owens
	Mr. Cullum	

Ordinance 03-3 - FY 03-04 General Fund and Non-General Fund Budgets - 2nd Reading by Title - A motion was made by Mr. Rucker and seconded by Mr. Carrigg that Ordinance 03-3 receive second reading.

Mr. Davis opened the meeting for discussion. No discussion occurred.

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Carrigg	Mr. Derrick
	Mr. Wilkerson	Mr. Keisler
	Mr. Jeffcoat	Mr. Owens
	Mr. Cullum	

Zoning Amendments - Zoning Map Amendment M03-1- Jamestowne Court - 3rd & Final Reading - A motion was made by Mr. Rucker and seconded by Mr. Jeffcoat that Zoning Map Amendment M03-1 receive third and final reading.

Mr. Davis opened the meeting for discussion; none occurred.

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Jeffcoat	Mr. Derrick
	Mr. Wilkerson	Mr. Keisler
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Economic Development, J. Jeffcoat, Chairman - Project Bald Eagle - Mr. Jeffcoat stated that the Committee met on Tuesday, April 22, 2003, to discuss the possible purchase of property and improvements known as Bald Eagle.

The County has been offered the property and improvements for a total cost of \$250,000.

The Committee voted to recommend that Council authorize the purchase of the property totaling 145.18 acres and the improvements thereon, for the total cost of \$250,000 payable over a five-year period without interest (Project Bald Eagle/Pelion Airport).

A motion was made by Mr. Jeffcoat and seconded by Mr. Cullum that Council approve the committee report and that all legal matters be approved by the County Attorney.

Mr. Davis opened the meeting for discussion; none occurred.

In Favor:	Mr. Davis	Mr. Jeffcoat
	Mr Cullum	Mr. Rucker
	Mr. Wilkerson	Mr. Derrick
	Mr. Carrigg	
Opposed:	Mr. Keisler	Mr. Owens

*Mr. Rucker excused himself from the meeting to attend a commitment.

Public Works, B. Derrick, Chairman - Brakefield Construction - C&D Landfill - Mr. Derrick stated that MR. Brakefield had appealed to the Public Works Committee on several occasions to expand his C&D landfill. He reported that the Committee discussed the issue on Tuesday April 22, 2003 and after lengthy discussion voted to recommend that Council amend his current letter of consistency to allow for 15,000 tons per year; that it be stipulated that the letter of consistency could not be transferred to another company or individual; that the C&D landfill is to be owned and operated by Brakefield Construction solely owned by Lindsay Brakefield. A motion was made by Mr. Derrick and seconded by Mr. Carrigg that the committee report be adopted.

Mr. Davis opened the meeting for discussion.

Mr. Wilkerson asked what would occur if it did not stay in Mr. Brakefield's name?

Mr. Derrick responded, it will stop; he will not have a letter of consistency if he does not abide by the conditions.

In Favor:	Mr. Davis	Mr. Derrick
	Mr. Carrigg	Mr. Wilkerson
	Mr. Keisler	Mr. Jeffcoat
	Mr. Owens	Mr. Cullum

Presentations - Prior to Chairman Davis opening the meeting for the presentations, he reviewed the rules asking that no profanity be used or derogatory remarks be made and that the presenters speak to the issues.

Mr. Frank Hutchins, 3374 Emanuel Church Road, Lexington 29073 - Commercial Sand Pit Operation/Emanuel Church Road - Frank Hutchins, I live at 3374 Emanuel Church Road. I'm here on behalf of D. C. Phillips, Chris Heise and Robert Miller who all live next to and adjacent to the property we're discussing. Let me go through our concerns from the beginning if I may. Our concern is what has happened next to the property. After the property was cleared I contacted the zoning office to find out what was going on. Mr. McLaurin first said it was going to be a housing development. The second time I called he said that they were authorized to move

some dirt and haul some dirt off of the property. The third time I called, after we saw so many trucks going in and out of the property I called him once again and he said well these people now have a contract with the Highway Department to haul dirt to I-26 and 378 and also later on for I-20 and Highway 6 next year. Now this is 25 acres of land and they have a sand pit. My question is did he have the contract for the Highway Department, did a trucking company have a highway department contract; the way we look at it, he has dirt and he's selling dirt; he has a commercial sand mine there and 60 to 80 trucks, six days a week come out of this property. Now if he continues this for 18 months or two years, we're going to have a big hole in the ground and he could, there's no limitations on when he has to develop this land. He could walk away and leave it. Or, he could in his stipulations, according to the zoning board, he has rights to come back and backfill. Now if he's smart enough to get by all the zoning laws of the county and open up a sand mine, he must be smart enough to figure out a way to open up a construction landfill to fill it back in after he does this. So my concern is it's getting worse and worse. What you see are pictures that were taken three weeks ago and Mr. Wilkerson was kind enough to come out and look and what he saw is what I took pictures of, but it is worse now. I talked to several people about it. In fact, Jake Knotts called me and he wanted to be here but he's tied up with the budget on the Senate floor. But we are very much concerned about what's happened; if he keeps going; I just don't feel that he can dig these holes and cut ground the way he has. He is 20 feet below road level now and build a development in a sandpit. I just don't think it's going to happen. The other thing is if he is to come back in there and start a landfill or whatever he can. But for some reason he got around all this. The dirt is not going to the highway; one company is hauling the dirt for the highway. There's five other companies hauling dirt out of the pit and I've watched them, I've followed them, I've got, they're even hauling dirt Saturday over on Broad River Road on the other side of the Medical Center that they're building over there on Broad River Road for Eckerd's Drug Store and it's 60 to 80 to 100 trucks a day, every day, coming out of that hole there and if that's not a commercial sandpit, I don't know what it is. So what we're asking is for somebody to go a little deeper and I've talked to Mr. Compton, he says well he's within the law about moving dirt. My question is there no limit as to how much dirt he can move; there has to be somewhere along the line that somebody could help us because we have a mess.

Mr. Wilkerson asked Council that they visit the site. The pictures don't really do it justice. When you stand on the top of the hill and you look down and see the hole, the holes are already probably 100, 200 feet deep in certain places. He stated that if a housing development is to be constructed, the development will be in the ground six stories down compared to the other houses on the ridge. Mr. Wilkerson stated that he has had the administrator check into it as well as others at the county, and because the person is moving dirt for the state, there were no regulations on him running a sand mine.

Mr. Brooks stated that this was part of state law.

Mr. Wilkerson stated that there was no need for the county to have any regulations on sand mines in Lexington County because all you have to do is tell them you're moving it for the state and you can do whatever you want to; there were no setbacks, no regulations, nothing. He stated that

he was at the area for some 30-45 minutes and during that short period of time he probably saw 15, 20 trucks go in and out of there. He stated that on other occasions when he has been by, the sand is washing across the road; on windy days you have dirt blowing all over the place and we're told that we can not do anything to stop it because he's moving dirt for the state.

Mr. Hutchins said that was my question; if he's moving dirt for the state, seems to me that's what the contract is for, is to haul for the state, I understand that. But what I'm telling you is it's going every where. There are five or six different companies hauling off of that lot. Now surely, surely somewhere along the line there's got to be something in the writings of the zoning that stops that. I don't see how he can open just a sand mine and sell to everybody just because he has a contract with the state for two jobs.

Mr. Wilkerson stated that Mr. Hutchins was right; all the person is doing is running a sand mine. He's not building a subdivision; he's not, in my opinion, right now, putting a subdivision there; all it is is a sand mine. I don't know when this was passed with the state, I think we need to get some information on that, find out why it was passed, when it was passed, but something needs to be done and if that is a regulation with the state then they need to do something about changing it.

Mr. Cullum asked, who owns the property?

Mr. Wilkerson referred the question to the Administrator, that he had all the information but did not have it with him.

Mr. Davis stated to Mr. Hutchins that he had asked the staff of zoning and plan approval to keep an extra close eye to make sure nothing that has been submitted is changed so at least the county can keep them to what they have submitted, if that is all that can be done.

Ms. Tammy Coghill, Community and Economic Development, stated that office and the engineering office are aware and following the issue. She stated that the principal they have been dealing with is John Stevenson who works with Power Engineering. Two different companies, Tri-Star and Atlantis Development are on record as the property owners; they bought part of a larger parcel.

Mr. Wilkerson stated that it amazed him that with all the rules and regulations we have about mining and because this is a state contract, we have no say so or anything we can do.

Ms. Coghill stated that there were two issues at hand. One is the State Mining Act exempts any activities pulling dirt and sand out for DOT projects; these are specifically exempt in the State Mining Act; that is the one piece that applies here. Both the county's regulations and DHEC's, under mining, say if there is on-site construction, the dirt is being moved for on-site construction then it is exempt from needing a mining permit. That's the other thing that is going on; even if he wasn't hauling just for DOT, we have approved, engineered, drawings in and at this point if they tell us they're putting in a subdivision, we have approved drawings that show lot layout, etc., we can't.....

Mr. Wilkerson, let me stop you there. How's he going to build a subdivision in a hole that he has dug, can you explain.

Ms. Coghill stated that she has looked at the engineered drawings and probably there is a better person to answer that, but in brief, there is a 20-25 foot amount of cut in various cuts of that property that do have to happen to bring it down to grade to address....

Mr. Wilkerson asked Ms. Coghill if she had been by there lately.

Ms. Coghill responded, I have not recently, no, sir.

Mr. Wilkerson stated that it was definitely deeper than 20-25 feet.

Ms. Coghill stated, yes, sir; it was her understanding that in selling dirt you actually dig in by a grid so that you know ahead of time how much dirt you're talking about and you've got an area in which you dig down; now whether or not they're going to back fill, you don't weigh every truck coming out; apparently that is standard operating procedure for hauling dirt or sand out, they set up a grid and dig down and they know if they don't expand outside these parameters and everybody agrees that much dirt is taken away and that much then is to be paid for; that's why the pits are there. I certainly agree those are significant holes, but that is apparently a standard procedure as opposed to just coming in and planing it and having to weigh or count the trucks. She stated that they have met with DHEC and both are monitoring it very carefully to be sure they do not go outside the footprint.

Mr. Wilkerson stated that he knew Ms. Coghill had done a lot of work on this and he appreciated everything she had done, but it was hard for him to believe that that's going to happen in the future.

Ms. Coghill stated that they were holding them very closely to the plans they have submitted. She stated that DHEC is to get with the property owner and get some time lines that will satisfy them because there is a point at which they may say, even if you are building a subdivision, you're just really stretching it out to take advantage of the revenue that can be made from this.

Mr. Wilkerson asked what would happen if, after moving all the dirt, the decision is made not to build a subdivision.

Ms. Coghill responded that he would be in violation of his permit.

Mr. Wilkerson asked what could be done.

Ms. Coghill replied, that as she understood as a violation of the permit they could then proceed through the Magistrate's office.

Mr. Wilkerson asked Ms. Coghill if she had any idea of what the fine would be.

Ms. Coghill responded that she did not.

Mr. Wilkerson thanked Mr. Hutchins for being present and bringing this to Council's attention and he thanked staff for all they were doing and hopefully everything would work out.

Mr. Carrigg stated that Mr. Hutchins indicated that trucks were coming in there, loading dirt and carrying it to Richland or wherever; Mr. Carrigg asked if he could do that.

Ms. Coghill responded that basically it falls under the realm of site preparation for on-site construction; he's building a subdivision there, dirt has to come off to bring it down to grade; because he has plans submitted for a subdivision on site, then it qualifies as on-site construction and it just so happens that he had the benefit of the dirt that has to be moved and he's been able to sell it.

Mr. Carrigg stated that what worries him because if he buys a hill and he envisioned a flat subdivision, he could operate a sand clay or sand mine for an awful long time and just say eventually if I ever sell enough dirt, I'm going to build a subdivision and that to him was an ordinance that ignores common sense; it's an ordinance that, on it's face, is not workable and that's what we need to change.

Ms. Coghill stated that there were some time requirements; the land disturbance permit does have some sunset dates; you do have to have your activity underway within a certain amount of time or the permit is revoked. Right now, if site preparation is underway, they it falls under that progress being made.

Mr. Carrigg stated that it reminds him of someone who goes out and works on the weekend to build a house. And that may be a fine hobby for them, but for their neighbors it is an unsightly construction site that's there for 10 years; it seems to me Mr. Hutchins has a legitimate beef; especially if the individual is selling to other people, that's mining in my mind. I see someone with a big operation like that, to me, I see a mine, I don't see a future subdivision. I think we've got to put some common sense in this ordinance where someone can make a judgment call and say no, sir, you don't have a future subdivision, you've got a sand mine and it falls under our mining ordinance.

Ms. Coghill stated that right now the way it reads, he happens to have extra dirt that he can take off and sell, or extra lumber, as opposed to someone who needs to pay to bring it in, it certainly has worked in his benefit. Ms. Coghill stated that they talked about looking at time lines when they met with DHEC and they actually don't have the written restrictions that the county has right now. She added that DHEC actually intended to meet with the developer, get a time line out of him and monitor from their end.

Mr. Carrigg stated that he didn't think it was the county's fault but he thought it was incumbent upon the county to do something about it; we need to put a common sense approach in the ordinance where someone can look at it, and it was not just print on paper, it's going out there and looking at it.

Ms. Coghill stated that staff had discussed revisiting those regulations.

Mr. Derrick stated that in listening to Mr. Carrigg talk, it made him think about the courthouse site, the site was not balanced and somebody hauled a lot of dirt somewhere else; we have to be careful in implementing something like that because we don't want to have to get a mining permit to do that kind of thing.

Mr. Carrigg commented, but we're building a courthouse.

Mr. Derrick stated that if the developer was asked, he would guarantee that he is building a subdivision because he has plans for it, he spent a lot for plans to develop it and the county's engineers looked at it and said yes, it's appropriate for you to cut a certain amount of dirt off and we sealed and approved the plans. No one envisioned, or he thought it was probably someone's oversight or maybe they knew it all along that it was going to be this tremendous earth moving operation, but it probably slipped their mind as far as how much cut and fill it was and how many truckloads were coming out of there and it may be that these developers are very legitimate business people and are going to build that thing just as soon as they get all that dirt out of the way, I don't know.

Ms. Coghill stated, that is our hope and we'll just monitor it under the restrictions the county has now and also look at the county's time lines. She added that if they have a plan submitted that meets the regulations, they had to accept it at face value.

Mr. Derrick asked if a bond was required?

Ms. Coghill responded, no, if they want to sell lots before all the infrastructure is in place they need to bond it, but in this case he has not asked to do that.

Mr. Jeffcoat stated that he had been listening to the comments about DHEC and it had been his experience that you really could not depend on DHEC to monitor anything unless it's an individual trying to build a home and may be they have their septic and their well about two feet too close and they make them tear their house down or whatever they have to do, but when it comes to things like this that really make a big difference to the community and to our county....we've seen landfills on fire since they were started and we've seen DHEC sit on their thumbs; they have allowed a company to continue to operate that has destroyed the streams and a lake in our county and certainly sewer plants, water plants, etc., so I don't think we can put a lot of stock in DHEC; maybe you know something I don't know, and I hope you do, but I would

think that what I would like to see our ordinance do and I'm in agreement with Mr. Derrick, we would need to be very careful how we word our ordinance, but we need to have it so we'd know the difference between a plan and a scheme and this sounds like a scheme to me, but it may be a perfectly legitimate plan, I don't know. If he is selling lots once he gets this cleared, I don't know which side of the holes people are going to want to buy a lot. I'm glad to hear that you all are monitoring it closely, but I'd also like to see us go back and visit the ordinance we have in place so that something like this can not happen again. Common sense dictates that and I think everyone in this room thinks that there's something wrong here. If there are 100-200 feet deep holes, we have a problem.

Mr. Wilkerson expressed his thanks to staff for what they were doing and to Mr. Hutchins for his presentation. He stated that the County would do its part in trying to work everything out. He stated that hopefully the State would look at what they are doing and change what they are doing because it needs to be changed.

Mr. Davis expressed appreciation to Mr. Hutchins for being present and added that he was welcome at any time.

Mr. Gary Anderson, 115 Branham View Road, Lexington 29072 - Reappointment of Mr B. Spires to CMCOG - My name is Gary Anderson, I reside at 115 Branham View Road, in Lexington County. The purpose of my addressing the Council today pertains to the reappointment of Mr. Butch Spires as a citizen representative to the Central Midlands Council of Governments. Mr. Spires' current term expires on June 15th. First, I want to reiterate that it is the utmost desire of our group of concerned citizens that the Lexington County Council does not reappoint Mr. Spires as a citizen representative on the COG. We also do not wish for Mr. Spires to serve past his current end date of June 15th. At the last County Council meeting my wife presented the Council a petition containing over a hundred signatures by concerned citizens opposing the reappointment of Mr. Spires. I understand the Council also has been presented with a petition from the City of West Columbia, signed by the Mayor and the Council members opposing Spires' reappointment. There appears to be some disagreement among the members of the Lexington County Council whether or not Spires' reappointment would violate County Code Ordinance of a three-consecutive term limit. Butch Spires predecessor on the COG was Carl Spires. Carl's term ended in 6-94 at which time Carl resigned from his position. The COG citizen representative position remained opened or vacant until Butch Spires got appointed in the seat in January 9, 1995. As thus, Butch Spires did not technically fill someone's unexpired term. Another interesting thing to note involves the wording of the Lexington County Code that pertains to the term limits. If the underlying intent of this ordinance was the necessity of having.....a second sentence in this ordinance states, an appointment to replace an existing board member would not be considered a term. Clearly the presence of this second sentence of the ordinance illustrates that the phrase No more than three consecutive terms did not automatically imply that all three terms had to be full ones. To reappoint Spires for a fourth term would be certainly in direct violation of this ordinance. Furthermore in a CHRONICLE article dated 5/1, editor Jerry Bellune so appropriately stated - "Central Midlands appointments have terms limits

for one simple reason. Term limits guarantee new ideas and new perspectives. Creators of such organizations recognized the disadvantages of entrenched bureaucrats. Lengthy service, unanswerable to the electorate, tends to create a climate of indifference to the needs of the people they are to serve.” I have noticed in recent newspapers that supporters of Mr. Spires have stated Spires has done a lot of good for Lexington County, but no specifics are ever given. Well let me give you one example of how Mr. Spires has clearly not acted in the best interest of Lexington County. At an April 1998, Board meeting, Mr. Spires initiated a motion that involved the removing of the Lexington Bypass from the transportation improvement plan, that’s the TIP, and thus removing the funds that had been allocated for the Lexington Bypass. According to DOT files, per the February 1997 COG meeting Minutes, approximately \$500,000 to \$600,000 had already been spent on the bypass. All of the SCDOT’s hard work and efforts and this large sum of money were now wasted as a result of this action removing the funds from the project. This viable bypass was never built and here we are now in 2003 with an unresolved ever-growing traffic problem and escalating construction costs. As a final point, I want to reiterate the Council’s issue of abstention as it relates to Spires’ reappointment. According to Section 2-63 of the Lexington County Code, any member of the Council not voting due to a potential conflict of interest shall comply with the provisions of the South Carolina Ethics Act and no member should vote on any matter which would violate the South Carolina Ethics act and thus, any councilman that has a business relationship, either directly or indirectly with Mr. Spires, should do the prudent thing and abstain from voting if such a relationship exists. Also upon searching through the State Ethics Commission Campaign funds form at the Lexington County Courthouse, I have discovered that in 2000 certain Council members each received a thousand dollars campaign contribution from Waste Management which just happens to be the same company that Butch Spires is Regional Manager for. One would hope that Council members would take the high road when addressing the issues of Mr. Spires’ appointment. Thank you.

Mr. Davis thanked Mr. Anderson and expressed his appreciation for his being present.

Mr. Keith Bush, 1004 Asbill Court, Leesville 29070 - Doing More with Less - My name is Keith Bush, I live at 1004 Asbill Court, Leesville, Lexington County, South Carolina. Some of you know me and some of you just know of me. It’s my intent that we get to know each other very well. I would call your attention to the STATE NEWSPAPER, Sunday, January 26, 2003, pages B-1 and B-6 where Chairman Davis stated, the biggest issues for Lexington County in 2003 are to provide the same or more services with less funding to the point that every interested citizen, that’s me, should help to improve the efficiencies. I’m not here to find fault, call names, or point fingers; I don’t intend to whine, complain about an issue and drop it at your feet. I intend to outline problems as I perceive them and offer suggestions for improving services and efficiencies. Gentlemen, I take heart that some of you are looking at the usage of some 371 county vehicles. Some are used daily by non-essential personnel. When I say non-essential, I am thinking people who are not on call, emergency call, not that they’re not essential to the county’s work. Many of these vehicles are being driven from home to work, transportation back and forth and very little else. If just two vehicles could be eliminated from the fleet we could afford to hire another person in Fire Safety, another Emergency Medical Technician, another

Deputy Sheriff, thereby improving services to Lexington County. Again, my purpose is not to point fingers, call names, but to make you aware from a different perspective of ways to do more with less. Lexington County needs a business license. We need to charge enough for the service to support the employees that provide that service. Take another look at the county's fee structures. Charge what it costs to provide the service. Lexington County needs to move away from the taxation system and toward a user pay system. For years Lexington County has been held hostage by developers and dictated to by developers. That's why we hear so much about urban sprawl. It's time for Lexington County to charge impact fees to offset the cost of providing the infrastructure and roadways to huge subdivisions and schools. Thank you for your time and attention. I'm available to meet and exchange ideas with each of you one on one or in a group and I look forward to doing so. If you don't look for me, I'll be looking for you.

Mr. Davis thanked Mr Bush and expressed his appreciation to him for being present.

Executive Session/Legal Briefing - A motion was made by Mr. Carrigg and seconded by Mr. Derrick that Council go into executive session to receive the legal briefing and discuss contractual and personnel matters.

In Favor:	Mr. Davis	Mr. Carrigg
	Mr. Derrick	Mr. Wilkerson
	Mr. Keisler	Mr. Jeffcoat
	Mr. Owens	Mr. Cullum

Mr. Davis reconvened Council in open session in order to conduct the public hearing.

6:00 P.M. - Public Hearings - Ordinance 03-2 - Building Codes Ordinance Amendments -
Mr. Davis stated that no one had signed up to speak in favor or in opposition to the Ordinance.

Mr. Davis opened the meeting for comments. No comments were received. The public hearing was closed.

Mr. Davis referred the Ordinance to the Planning and Administration Committee.

Old Business/New Business - None.

Executive Session/Legal Briefing - A motion was made by Mr. Jeffcoat and seconded by Mr. Owens that Council return to executive session to discuss a contractual matter.

In Favor:	Mr. Davis	Mr. Jeffcoat
	Mr. Owens	Mr. Derrick
	Mr. Wilkerson	Mr. Keisler
	Mr. Carrigg	Mr. Cullum

Mr. Davis reconvened the meeting in open session.

Matters Requiring a Vote as a Result of Executive Session - Mr. Davis stated there were no motions to be considered as a result of executive session; Council received the legal briefing and discussed contractual and personnel matters in executive session.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Dorothy K. Black
Clerk

George H. Smokey Davis
Chairman